REMARKS

The Examiner's indication of allowable subject matter of claim 16 is noted with appreciation.

Claims 1-22 are pending in the application. Claims 1, 2, 9, 11, 15, 16 have been amended to only improve the claim language. Claim 22 has been added to provide Applicants with the scope of protection to which they are believed entitled. New claim 22 finds solid support in the original specification (page 13, lines 9-12) and drawings (Figures 4a and 4b). No new matter has been introduced through the foregoing amendments.

The claim objections manifested in page 2 of the Office Action are believed overcome in view of the above amendments.

The art rejections of claims 1-15 and 17-21as being anticipated by or obvious over *Dumitrescu* (U.S. Patent No. 6,043,097), alone or in view of other teaching references, are traversed because the applied references, especially *Dumitrescu*, fail to disclose, teach or suggest all limitations of the rejected claims.

The present invention relates to a disposable test kit for use in the field where skilled personnel may not be always available. Therefore, an objective of the present invention is to allow even **unskilled** people to perform the tests. Another objective of the present invention is to allow the test results to be evaluated, in the field, by a person not necessarily skilled in chemical testing procedures. These objectives are achieved by an unique feature the present invention, i.e., the claimed **distinct** reaction chamber. *See* independent claims 1, 9, 11. The applied references, especially *Dumitrescu*, clearly fail to disclose, teach or suggest this feature of the claimed invention. *See*, for example, Fig. 21 of *Dumitrescu*.

The following limitations of the claimed invention are neither found in nor suggested by the applied art:

- the claimed opening (claims 1, 9, 11) which is sufficiently narrow, or provided with filtering means, to **prevent glass shards of the crushed ampoule from entering the chamber** (the effect of this arrangement is stated in the specification, page 10, lines 8-10); and

- the claimed transparency of the chamber walls (claims 18, 19) with **only the wall portion facing a predetermined reaction location being made transparent** or having an eyepiece (the effect of this arrangement is stated in the specification, page 7, lines 9-12).

None of the applied patents disclose the claimed distinct reaction chamber having the above highlighted arrangements. Furthermore, none of the applied patents supply a motivation to make the claimed arrangements. Such a motivation is neither found in the knowledge generally available in the art.

Dumitrescu relates to reaction packages for use by **skilled** personnel, in "automated sample analysis systems." *See* column 1, line 11, also column 9, lines 60-65, and "robot device" column 4, line 28, and FIG. 22 of *Dumitrescu*. The *Dumitrescu* device is made as a "dual package." *See* Fig. 1 of *Dumitrescu*.

In *Dumitrescu*, there is no teaching of inspecting the reaction results inside the device. The device is used only for mixing or diluting reagents, for further processing or reactions outside the device. In *Dumitrescu* there is no specific reaction location at which a sample on a probe tip is placed. The entire *Dumitrescu* device becomes a "reaction chamber" once the ampoules are crushed. In *Dumitrescu*, the screen member filters 16 are removable, and optional (column 2, line 4). In *Dumitrescu*, the filters are arranged and configured not to prevent the glass shards from entering the chamber, as presently claimed, but to allow aspiration of the reagents mixture from the device for further treatment (column 3, lines 18-24). The *Dumitrescu* filters are not disposed

between the chamber and the cells containing the ampoules, as recited in independent claims 1, 9, and 11.

All of the above distinctions between the present invention and *Dumitrescu* can be clearly seen in FIG. 21 of *Dumitrescu*. As depicted in the picture, glass shards 14a, 14b, 14c, arrive at the reaction chamber. There is absolutely no distinction between the ampoule cell and the reaction chamber of the *Dumitrescu* reference, which become one big chamber once the ampoule is crashed. The filtering screen 16 has no effect on avoiding glass shards from entering the reaction chamber. Thus, *Dumitrescu* fails to disclose the claimed invention. The reference is neither modifiable to include the missing claim elements.

Accordingly, Applicants respectfully submit that the art rejections of claims 1-15 and 17-21 are erroneous and should be withdrawn. Claims 1-15 and 17-21 are clearly patentable over the applied art of record. New claim 22 is considered patentable at least for the same reasons. Claim 22 is also patentable on its own merits since the claim recites other features of the invention neither disclosed, taught nor suggested by the applied art, as will be apparent to the Examiner upon reviewing the new claim.

Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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MARKED-UP VERSION SHOWING CHANGES MADE

IN THE CLAIMS:

Please amend the claims as follows:

1. (Amended) A casing for use as a test kit using crushable ampoules prefilled with chemical or biological reagents, said casing, which is [comprising] a molded casing, comprising [having]

a distinct reaction chamber;[,]

at least one distinct cell adapted for receiving a crushable ampoule and having a flexible pressing area [at its] on an outer wall thereof for [pressing and crushing] allowing said ampoule to be pressed and crushed; and [, wherein there is]

an opening between said chamber and said at least one cell, [and] wherein said opening is sufficiently narrow [enough], or provided with filtering means, to prevent [the passage of] glass shards of the crushed ampoule from entering from the cell into the chamber.

2. (Amended) A casing according to claim 1, wherein said casing is made from either cast[ed], injected, vacuum-formed, or press-formed material.

9. (Amended) A casing for use as a test kit using crushable ampoules prefilled with chemical or biological reagents, said casing, which is [comprising] a molded casing, comprising [having]

a distinct reaction chamber;[,]

at least one distinct cell adapted for receiving a crushable ampoule and having a flexible pressing area [at its] on an outer wall thereof for [pressing and crushing] allowing said ampoule to be pressed and crushed; [, wherein there is]

an opening between said chamber and said at least one cell, [and] wherein said opening is

sufficiently narrow [enough], or provided with filtering means, to prevent [the passage of] glass shards of the crushed ampoule from entering from the cell into the chamber; and[, said casing further comprising]

an inlet leading from an outside of said chamber into [it's outer side into the] an inner space of the reaction chamber for [inserting] introducing a sample of a [tested material] substance to be tested.

11. (Amended) A casing for use as a test kit using crushable ampoules prefilled with chemical or biological reagents, said casing, which is [comprising] a molded casing, comprising [having]

a distinct reaction chamber;[,]

at least one distinct cell adapted for receiving a crushable ampoule and having a flexible pressing area [at its] on an outer wall thereof for [pressing and crushing] allowing said ampoule to be pressed and crushed; [, wherein there is]

an opening between said chamber and said at least one cell, [and] wherein said opening is sufficiently narrow [enough], or provided with filtering means, to prevent [the passage of] glass shards of the crushed ampoule from entering from the cell into the chamber; [, said casing further comprising]

an inlet leading from an outside of said chamber into [it's outer side into the] an inner space of the reaction chamber for [inserting] introducing a sample of a [tested material] substance to be tested;[,] and [is provided with]

a sampling probe having collecting means at [its] a tip end thereof, for taking the sample of the substance [sampling outer material] and delivering [it] the sample through the inlet into the reaction chamber.

15. (Amended) A casing according to claim 11, further comprising, [having] together with [it's] the sampling probe, mutual interlocking means for locking the probe to the

casing.

16. (Amended) A casing according to claim 11, further comprising, [having] together with [it's] the sampling probe, mutual interlocking means for locking the probe to the casing, wherein said interlocking means are irreversible.